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6 **UNITED STATES DISTRICT COURT**  
7  
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA, )  
10 )  
Plaintiff, )  
11 vs. ) Case No.: 2:18-cr-0218-RFB-VCF  
12 ) STIPULATION TO CONTINUE  
13 JOSEPH MICHAEL ROAQUE, ) SENTENCING DATE  
14 ) (FIRST REQUEST)  
Defendant. )  
15 \_\_\_\_\_ )

16 *Certification:* This stipulation is filed pursuant to General Order 2007-04.

17 IT IS HEREBY STIPULATED AND AGREED, by and between the defendant  
18 JOSEPH MICHAEL ROAQUE through his attorney GABRIEL L. GRASSO, ESQ., and the  
19 United States of America, through SUSAN CUSHMAN, Assistant United States Attorney,  
20 that the sentencing hearing currently scheduled for October 10, 2019, at 3:45 p.m., be  
21 vacated and continued to a date and time convenient to this court, but no event earlier  
22 than 60 days.

23 Pursuant to General Order No. 2007-04, this stipulation is entered and based upon  
the following:

- 24 1. ROAQUE is currently set for sentencing on Thursday, October 10, 2019.  
25 2. ROAQUE is in custody and does not oppose to the continuance.  
26 3. The parties agree to the continuance.  
27 4. Denial of this request for continuance would deny the defense sufficient time  
28 to be able to assist in defendant's sentencing and file a Sentencing  
Memorandum with the court.

1                   5.    Due to scheduling concerns, defense counsel requests the new sentencing  
2                   date be set after December 10, 2019.

3                   6.    This is the first request for a continuance of the sentencing date in this case.

4                   DATED this 9<sup>th</sup> day of October, 2019.

5  
6   RESPECTFULLY SUBMITTED BY:

7                             /s/ Susan Cushman            
8   SUSAN CUSHMAN  
9   Assistant United States Attorney

          /s/ Gabriel L. Grasso            
          GABRIEL L. GRASSO  
          Attorney for ROAQUE

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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA, )

13 Plaintiff, )

14 vs. )

15 JOSEPH MICHAEL ROAQUE, )

16 Defendant. )

Case No.: 2:18-cr-0218-RFB-VCF

STIPULATION TO CONTINUE  
SENTENCING DATE

(FIRST REQUEST)

17 **FINDINGS OF FACT**

18 Based upon the submitted Stipulation, and good cause appearing therefore, the  
19 Court finds that:

- 20 1. ROAQUE is currently set for sentencing on Thursday, October 10, 2019.  
21 2. ROAQUE is in custody and does not oppose to the continuance.  
22 3. The parties agree to the continuance.  
23 4. Denial of this request for continuance would deny the defense sufficient time  
24 to be able to assist in defendant's sentencing and file a Sentencing  
25 Memorandum with the court.

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1 **CONCLUSIONS OF LAW**

2 Denial of this request for continuance would deny the defense herein sufficient  
3 time and the opportunity within which to be able to effectively and thoroughly prepare for  
4 sentencing, taking into account the exercise of due diligence.

5 Additionally, denial of this request for continuance would result in a miscarriage of  
6 justice.  
7

8 **ORDER**

9  
10 **IT IS ORDERED** that the sentencing hearing currently scheduled for October 10,  
11 2019, at 3:45 p.m., be vacated and continued to December 11, 2019,  
12 at the hour of 10:00 AM.

13 IT IS SO ORDERED:

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15 \_\_\_\_\_  
16 RICHARD F. BOULWARE, II  
17 UNITED STATES DISTRICT JUDGE

18 DATED: October 9, 2019  
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